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SUMTER COUNTY ORDINANCE 2004-25

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, LEVYING AND IMPOSING A TOURIST DEVELOPMENT TAX SUBJECT TO APPROVAL OF THE ELECTORS OF SUMTER COUNTY IN A REFERENDUM ELECTION SCHEDULED FOR NOVEMBER 2, 2004; ADOPTING THE SUMTER COUNTY TOURIST DEVELOPMENT TAX PLAN CREATED BY THE SUMTER COUNTY TOURIST DEVELOPMENT COUNCIL; APPOINTING A PERMANENT SUMTER COUNTY TOURIST DEVELOPMENT COUNCIL; PROVIDING FOR USE OF TOURIST DEVELOPMENT TAX REVENUES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the Board of County Commissioners of Sumter County created a Tourist Development Council on May 18, 2004, to prepare and submit to the Board a plan for tourist development, and

WHEREAS, the Tourist Development Council held several meetings and studied the issue and filed with the Board on August 17, 2004, a tourist development plan, and

WHEREAS, the next step in determining if there will be a tourist development tax in Sumter County is the adoption of an ordinance levying the tax subject to referendum election and creating a permanent Tourist Development Council, and

WHEREAS, the board has determined that it is the best interest of the citizens and residents of Sumter County to allow this issue to go before the electors of Sumter County to decide the question,

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Sumter County, Florida, as follows:

1. DEFINITIONS: The definitions as set forth in Section 125.0104(2)(b) Fla. Stat. are incorporated into this ordinance by reference.

2. The Sumter County Tourist Development Tax Plan developed by the Sumter County Tourist Development Council submitted to the Board on August 17, 2004, is hereby adopted.

3. There is hereby levied and imposed within the entire area of Sumter County, Florida, a tourist development tax in the amount of 2% of each dollar and major fraction of each dollar of the total consideration charged for lease or rental of properties as set forth in Section 125.0104(3), Fla. Stat.

4. The levy and imposition of the tourist development tax as set forth above is subject to approval by the electors of Sumter County in a referendum election which is hereby scheduled for the General Election of 2004 which to be held on November 2, 2004. The following question shall be on said ballot:

           FOR the Tourist Development Tax  
           AGAINST the Tourist Development Tax

5. There is hereby created a permanent Sumter County Tourist Development Council as set forth in Section 125.0104(4)(e), Fla. Stat.

6. All revenues derived from the tourist development tax, if approved, shall be utilized consistent with the provisions of Section 125.0104, Fla. Stat. and the Tourist Development Tax Plan adopted herein.

7. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Sumter County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

8. This ordinance shall take effect as provided by law upon approval by the electors.

9. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not effect the validity of the remaining portion.

DONE AND ORDAINED this 31<sup>st</sup> day of August, 2004, at Bushnell, Sumter County, Florida.



GLORIA HAYWARD  
Clerk of Circuit Court  
Kirk Patrice  
DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS  
OF SUMTER COUNTY, FLORIDA  
By: Benny Strickland  
Benny Strickland, Chair

## **SUMTER COUNTY TOURIST DEVELOPMENT TAX PLAN**

The objective of the TDC is to further enhance the tourism industry and the overall economy of Sumter County through projects or programs that meet the following criteria:

1. Conform to State/County Ordinances
2. Attract new visitors to Sumter County
3. Increase the frequency of visits
4. Increase the length of stay of visitors
5. Increase the per capita spending of visitors
6. Increase the number of room nights, thereby increase tourist development revenues.

All funds will be disbursed using the TDC grant application and must conform to these guidelines in one of the categories outlined below. Applications that do not conform to these guidelines will not be considered for funding. Funding limits are subject to approval by the TDC. A three-fourths affirmative vote of the membership of the TDC shall be required to approve any expenditure of funds in excess of fifty percent of the then available funds.

### **DEFINITIONS**

The funds to be disbursed no less than 60% of the annual budget for the following combined categories:

<i>Category</i>	<i>Definition</i>
SPONSORSHIPS	Major events staged in the county by non-profit Organizations that attract large numbers of visitors From outside the county. Examples would include National and international sports events or concerts.
SPECIAL EVENTS	One day and multi day events sponsored by non-profit Sumter County based organizations, which are open to the Public such as festivals, art shows and historical events. Individual grant amounts will be determined by need by the TDC.
EVENTS	Organized tournaments and events held within the county that brings participants from outside the county.
ADVERTISING/PROMOTION	Placement of advertisements and co-op advertising at intra-state, state or county level in magazines, newspapers, radio, ECT. Development and placement of printed publications, brochures, rack cards, web sites, kiosk systems, tourism trade shows, billboards and any type of advertising opportunities for Sumter County.

The funds to be disbursed no more than 40% of the net annual budget for the following category:

CAPITOL IMPROVEMENTS	Projects sponsored Governmental Organizations or non-profit organizations within the county to establish new or refurbish existing facilities for recreational activities, cultural events and performances within Sumter County.
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All material submitted with grant applications will become a matter of public record, open to inspection by any citizen of the State of Florida subject to Chapter 119, Florida Statutes. Sumter County Tourism. To be administered by local Chamber of Commerce.

### Sumter Proposed Projects With Budget

Under the provisions of Local Option Tourist Development Act, a two percent (2%) Tourist Development Tax will be levied throughout Sumter County, beginning on the first day of the second month following approval of the ordinance by referendum as provided by this ordinance. The anticipate revenue generated by the Sumter County Tourist Development Tax for the first twenty four (24) months beginning on said day of levy, based on the estimates from the Florida Department of Revenue for a total estimated revenue of \$279,286.00, estimated annually \$139,643.00.

Priority	Budget Funds for One Year	First Year Funds	24 Months Funds
		\$ 139,643.00	\$ 279,286.00
	Collection 3%	\$ 4,189.29	\$ 8,378.58
	Admin fee 10%	\$ 13,964.30	\$ 27,928.60
	<b>Total Net</b>	<b>\$ 121,489.41</b>	<b>\$ 242,978.82</b>
<b>1</b>	Promotion of Sumter Events	\$ 25,000.00	\$ 50,000.00
<b>2</b>	Visitors Information	\$ 10,000.00	\$ 20,000.00
<b>3</b>	Butterfly Festival	\$ 10,000.00	\$ 20,000.00
<b>4</b>	Antique Boat Motor show	\$ 4,493.65	\$ 8,987.30
<b>5</b>	Fall Festival	\$ 5,000.00	\$ 10,000.00
<b>6</b>	Kids Day Dade Park	\$ 3,000.00	\$ 6,000.00
<b>7</b>	Sumter Fishing Events	\$ 3,000.00	\$ 6,000.00
<b>8</b>	Sporting Events	\$ 3,000.00	\$ 6,000.00
<b>9</b>	County July 4 Celebration	\$ 3,000.00	\$ 6,000.00
<b>10</b>	Birding Trail Promo	\$ 3,000.00	\$ 6,000.00
<b>11</b>	Local Artlst Festival	\$ 2,000.00	\$ 4,000.00
<b>12</b>	Dade Battle Memorial	\$ 1,400.00	\$ 2,800.00
<b>13</b>	Capitol Projects 40% of Net	\$ 48,595.76	\$ 97,191.53

**SUMTER COUNTY  
TOURIST DEVELOPMENT COUNCIL  
BY-LAWS**

**1. REGULAR MEETINGS**

Regular meetings of the Council shall normally be held quarterly at a day and time established by the Council. Meetings will be held in the Sumter County Board of Commissioners meeting room unless otherwise noted. All meetings of the council shall be open to the public and shall abide by Florida's Sunshine Law. All records of the Council shall be public records.

Special meetings of the Council are at the call of the Chairman of the Council, and/or five (5) members of the Council. The purpose of said special meeting shall be specified at the time of its call.

**2. MEMBERSHIP**

The Council shall consist of nine (9) members, each of whom shall be electors in Sumter County, Florida, and shall be appointed by the Sumter County Board of County Commissioners. The terms of appointment of each member shall be \_\_\_\_\_. Any vacancy in membership shall be filled for the unexpired term by the Sumter County Board of County Commissioners, who shall have the authority to remove any member for cause, upon written charges, after due notice and a public hearing. For the purposes of these by-laws, cause shall, among other things, include conduct that the Sumter County Board of County Commissioners believes detrimental to the health, safety, morals, order, convenience, prosperity, and general welfare of the citizens of Sumter County. Cause for removal shall include the unexcused absence of a member from two (2) consecutive Council meetings. All members of the Council shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties. However, such expenditures must be approved by the Council prior to their incurrence and be in accordance with its approved budget.

**3. QUORUM**

Five (5) members of the Council shall constitute a quorum for the transaction of business, and a majority vote of those present shall be binding. If the quorum requirements prescribed by these by-laws are not met within fifteen (15) minutes after the time set for any meeting, then it shall be announced that no business shall be transacted. The meeting shall then be adjourned to a definite time and place and notice thereof shall be furnished to the absent members at least twenty-four (24) hours prior to the time of such adjourned meeting.

#### **4. VOTING**

Regarding issues that come before the Council for consideration, each Council member shall cast one (1) vote, unless the member shall have a conflict of interest. In the event of a conflict of interest, such members shall abstain and publicly state the reason for abstaining. Said votes shall be duly recorded in the permanent records by the Secretary. A three-fourths affirmative vote of the TDC shall be required to approve any expenditure of funds in excess of fifty percent of the then available funds.

#### **5. PROCEEDINGS**

Each action of the council shall be embodied in a motion duly made and seconded and passed by a majority of the members present, and shall be entered into the official records.

#### **6. RULES OF PROCEDURE**

All meetings of the Council shall be conducted in accordance with Robert's Rules of Order and Florida's Sunshine law.

#### **7. OFFICERS**

The Council shall elect a Chairman and Vice Chairman during the first regular meeting of each calendar year. The Chairman and Vice Chairman shall be members of the Council. An appointed secretary shall be an employee of Sumter County and shall be responsible for keeping the official records of the meetings of the Council. The Secretary is not a member of the council and shall not have a vote. The term of each office shall be one (1) year and any officer may succeed themselves or any other officer.

#### **8. DUTIES OF OFFICERS**

A. The duties of the Chairman shall include, but not be limited to, the following:

1. Calling meetings of the Council in accordance with these by-laws
2. Presiding at all meetings of the Council;
3. Representing the Council before the Sumter County Board of County Commissioners and such other boards, councils, commissions, and at such other times and places as may be appropriate and/or necessary.
4. Preparing the agenda for all Council meetings;
5. Signing the documents of the Council;
6. Ensuring that all actions of the Council are properly undertaken.

B. The duties of the Vice Chairman shall include, but not be limited to, the following:

1. Exercising or performing the duties of the Chairman in his absence or disqualification;
2. Accepting the responsibilities of the Chairman in his absence or disqualification.

C. The duties of the Secretary shall include, but not be limited to, the following:

1. Keeping accurate records of the Council meetings;
2. Being custodian of the legally required records of the Council;
3. Serving notices required by law and/or these by-laws;
4. Serving as liaison between tax generators (hotels, motels, etc.) and tax collector (DOR).

#### **9. AMENDMENTS**

These by-laws may be amended at any meeting of the Council, provided that notice of such proposed amendment shall be given to each member of the Council and the Sumter County Board of County Commissioners, in writing at least thirty (30) days prior to said meeting.

#### **10. CONTROLLING LAWS**

Any provision of these by-laws which may be inconsistent with, or in conflict with, any ordinance of Sumter County, Florida, or state law, now or hereafter in effect, shall be superseded by said ordinance or law, and deemed to be of no force or effect. The invalidation of any section by these by-laws shall not invalidate any other section.

#### **11. MATTERS REFERRED BY THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS**

Matter referred to the Council by the Sumter County Board of County Commissioners shall be placed on the agenda for consideration at the first meeting of said Council after such referral.

#### **12. DEADLINE FOR AGENDA**

The deadline for placement of items on the agenda for consideration by the Council shall be six (6) calendar days before the meeting date, except for special meetings. Any items not on the agenda may be addressed at the appropriate time, i.e., under the "public comment" section of the agenda.

#### **13. ADVISEMENT OF ABSENCE**

Each member of the Council shall advise the Secretary as early as possible should said member find that he will be unable to attend any meeting of the Council. The Secretary shall notify the Chairman in the event that projected absences will result in a lack of a quorum.

#### **14. EMPLOYEES, STAFF AND CONTRACTS**

The Council may, subject to these by-laws and through its approved budget, appoint such employees and staff as it may deem necessary to accomplish its work. Council may also contract with outside entities for such services as it may require. However, any expenditures for administrative purposes shall not exceed ten (10%) percent of the approved annual budget of the Council.

**15. BUDGET AND FINANCES**

With regard to tourist development tax funds, all deposits and expenditures shall be handled through the County Finance Office. In addition, all financial records of the Council shall be kept by the County Finance Officer. The Council shall work with the County Finance Officer to ensure that proper and legal financial controls are implemented.

A budget shall be prepared by the Council and submitted to the Sumter County Board of County Commissioners prior to June of each year. Said budget shall be reviewed by the Sumter County Board of Commissioners in their budget process.

**16. EFFECTIVE DATE**

These by-laws shall become effective immediately upon the adoption of the Council and approval of the Sumter County Board of County Commissioners.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2004

SUMTER COUNTY  
TOURIST DEVELOPMENT COUNCIL

BY: \_\_\_\_\_  
Chairman

ATTEST: \_\_\_\_\_  
Secretary

**APPROVED**, this \_\_\_\_ day of \_\_\_\_\_, 1999

SUMTER COUNTY BOARD OF COUNTY  
COMMISSIONERS

BY: \_\_\_\_\_  
Chairman of Board

ATTEST: \_\_\_\_\_  
Clerk of Court



## **SUMTER COUNTY TOURIST DEVELOPMENT COUNCIL** **TOURIST DEVELOPMENT FUND GRANT REQUEST**

### **PURPOSE**

This document sets forth the guidelines and categories for grant requests from tourist development tax funds. Grant request applications will be accepted from organizations that will sponsor and promote tourism activities within Sumter County and bring substantial numbers of visitors to the County.

### **AUTHORIZATION HISTORY**

The Florida State Legislature enacted the Local Option Tourist Development Act (Section 125.0104, Florida Statutes) in response to the growing need of Florida counties to provide additional revenue sources for tourist development in an effort to stimulate the local economy. In response to this need, the voters of Sumter County approved, in 2004, a two (2%) percent tourist development tax on transient rental accommodations. A Tourist Development Council (hereafter referred to as "TDC") was also created to assist the Sumter County Board of County Commissioners in planning ways in which to use the revenues received through the tourist development tax, based on statutory guidelines.

### **TIME TABLE FOR REVIEW**

The TDC will make available grant applications to organizations that express an interest in receiving funds. Projects must meet the guidelines and criteria outlined in this document.

Completed grant applications should be submitted to the TDC 45 days prior to the need of funds. Applications may be mailed or hand delivered to the TDC at \_\_\_\_\_. Further information may be obtained by calling \_\_\_\_\_.

### **EVALUATION PROCEDURES**

The following procedures will be strictly followed. Applicants are cautioned not to contact any member of the Sumter County Board of County Commissioners or Tourist Development Council regarding their request. All contacts should be channeled through the TDC office.

The TDC will review all grant applications to determine if they meet the established criteria for funding. Only those requests that will have a substantial economic impact on the County from visitors will be considered further. The TDC will notify qualifying applications that they are to be considered further with instructions as to a scheduled time, date and location for a formal presentation to the TDC, if necessary. Following those formal presentations, the TDC will vote on each qualifying applications, and provide funding for those approved.

All funds will be disbursed using the TDC grant application and must conform to these guidelines in one of the categories outlined below. Applications that do not conform to these guidelines will not be considered for funding. Funding limits are subject to approval by the TDC.

### **DEFINITIONS**

<i>Category</i>	<i>Definition</i>
SPONSORSHIPS	Major events staged in the county by non-profit Organizations that attract large numbers of visitors From outside the county. Examples would include National and international sports events or concerts.
SPECIAL EVENTS	One day and multi day events sponsored by non-profit Sumter County based organizations, which are open to the Public such as festivals, art shows and historical events. Individual grant amounts will be determined by need by the TDC.
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ADVERTISING/PROMOTION	Placement of advertisements and co-op advertising at intra-state, state or county level in magazines, newspapers, radio, ECT. Development and placement of printed publications, brochures, rack cards, web sites, kiosk systems, tourism trade shows, billboards and any type of advertising opportunities for Sumter County.
CAPITOL IMPROVEMENTS	Projects sponsored Governmental Organizations or non-profit organizations within the county to establish new or refurbish existing facilities for recreational activities, cultural events and performances within Sumter County.

All material submitted with grant applications will become a matter of public record, open to inspection by any citizen of the State of Florida subject to Chapter 119, Florida Statutes. Sumter County Tourism. To be administered by local Chamber of Commerce.

## **GUIDELINES AND USES OF TOURIST DEVELOPMENT FUNDS**

### **GUIDELINES FOR FUNDING**

- A. Funds should be available to support new projects or programs, not ongoing programs, except in emergencies.
- B. An attempt should be made to allocate funds for programs throughout the county, where feasible.
- C. Funds should be allocated as "seed money" to assist in setting up new programs.

### **USES OF FUNDS**

The following are examples of how tourist development funds may be used to promote tourism in the county:

- Promotional expenses in conjunction with an event to increase the awareness of Sumter County outside this area. All printed promotional or related material must contain the following: "Funded in part by the Sumter County Tourist Development Council"
- Out-of-county advertising and publicity of an event to increase participation, attendance and awareness. All printed promotional or related material must contain the following: "Funded in part by the Sumter County Tourist Development Council"

The following are examples of how tourist development funds may not be used:

- Annual operating expenditures not directly related to the project or event.
- Legal, medical, engineering, accounting, auditing, planning, feasibility studies, or other consulting services.
- Salaries or supplements to salaries for existing or future staff, or employment of personnel not directly related to the project or event.
- Real property or capital improvements to privately owned facilities.
- Tangible personal property including but not limited to office furnishings or equipment, permanent collections, or individual pieces of art.
- Interest or reduction of deficits and loans.
- Expenses incurred or obligated prior to or after the grant project period.
- Prize money, scholarships, awards, plaques, or certificates.
- Travel not associated directly with project.
- Projects, which are restricted to private or exclusive participation.
- Private entertainment, food and beverages.

## **CRITERIA FOR EVALUATION OF APPLICATIONS**

Applications will be reviewed with the following criteria:

### **I. COMMITMENT TO THE EXPANSION OF TOURISM IN SUMTER COUNTY**

Evidence that the project:

- A. Serves to attract out-of-county visitors, thus generating hotel, motel, and/or campground rentals;
- B. Will be marketed to the fullest extent possible in an effective manner;
- C. Will offer cultural and entertainment events to county residents and tourists;
- D. Demonstrates a willingness of the organizers to work with the tourism industry; and
- E. Will be able to provide self-funding in subsequent years.

### **II. SOUNDNESS OF PROPOSED PROJECT**

The extent to which the project:

- A. Has clearly identified objectives;
- B. Has assigned responsibilities and accountability;
- C. Has a realistic timetable for implementation;
- D. Has additional funding sources available that will be utilized;
- E. Will accomplish its stated objectives;
- F. Has widespread community support and interest.

### **III. STABILITY AND MANAGEMENT CAPACITY**

- A. Proven record or demonstrated capacity of the organization to develop resources, effectively plan, organize and implement the Proposed project;
- B. The organization has a successful history of service in and to Sumter County.
- C. Ability of the organization to administer public grants of this type, and to prepare and deliver the necessary progress reports to the TDC.

### **IV. QUALITY AND UNIQUENESS OF PROPOSED PROJECT**

Extent to which the activity:

- A. Provides a program for Sumter County and its tourists and residents, which is of significant merit and that, without such assistance, would not take place in the county.

## **GRANT APPLICATION INSTRUCTIONS**

Applicants will need to submit an original and ten (10) copies of this completed grant application, as well as all supporting documentation, for consideration by the Sumter County Tourist Development council. Please make sure your application is signed and attached the following information, if applicable:

- Charter, Articles of Incorporation, By-laws;
- Minutes of meeting authorizing officers to apply for grant funds
- IRS determination letter of non-profit status
- List of current officers and board members indicating terms and salaries
- Organizational chart
- Copy of financial statement of most recent fiscal year

Organization name \_\_\_\_\_  
and address \_\_\_\_\_

Contact person \_\_\_\_\_  
Title \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Event/Project Name \_\_\_\_\_  
Event Date      Begin \_\_\_\_\_ End \_\_\_\_\_

Category                      \_\_\_\_\_ Sponsorship  
(check one)                      \_\_\_\_\_ Special Events  
   \_\_\_\_\_ Events  
   \_\_\_\_\_ Advertising/Promotion  
   \_\_\_\_\_ Capitol Improvements

Amount Requested    \$ \_\_\_\_\_

Intended Use \_\_\_\_\_  
Of Funds \_\_\_\_\_  
\_\_\_\_\_

If the entire request cannot be funded, can the project be restructured for less funding?  
If so, please indicate minimum amount necessary. If not, please explain.

## **BACKGROUND INFORMATION**

In the space below, please describe your organization in the following areas:

- Your organization's goals and objectives
- Your target audiences

- Services your organization provides
- Community need for the services your organization provides
- How Sumter county residents and visitors will benefit from your project and how you will evaluate your effectiveness
- Other sources of funding that your organization can provide to match the funds requested from the Tourist Development Council
- How you will monitor expenditures of grant funds.

### **PROJECT/EVENT DETAILS**

In the space below, please give details on your project or event so the Tourist Development council can evaluate the economic impact on the county. Include in your narrative projects on numbers of attendees, hotel rooms needed, restaurant meals to be consumed and your publicity and advertising plans.

### **PROJECT BUDGET RECAP**

#### **INCOME**

Tourist Development Fund Request

\$ \_\_\_\_\_ TOTAL REQUEST \$ \_\_\_\_\_

Matching fund sources

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

Total matching funds \$ \_\_\_\_\_

Other income sources

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

Total other income \$ \_\_\_\_\_

TOTAL INCOMES \_\_\_\_\_

**EXPENSES**

Please indicate which items will utilize TDC funds

( )	_____	\$	_____
( )	_____	\$	_____
( )	_____	\$	_____
( )	_____	\$	_____
( )	_____	\$	_____
( )	_____	\$	_____
( )	_____	\$	_____
( )	_____	\$	_____
( )	_____	\$	_____

TOTAL EXPENSES \$ \_\_\_\_\_

**CERTIFICATIONS**

I have reviewed this GRANT APPLICATION from the Sumter County Tourist Development Council. I am in full agreement with the information contained herein. To the best of my knowledge, the information contained in this Application and its attachments is accurate and complete.

BY: \_\_\_\_\_ (SEAL)  
Organization Leader

ATTEST: \_\_\_\_\_  
Secretary

Considered this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_, at a duly called meeting of the Sumter County Tourist Development council. By motion duly recorded, this funding request is hereby:

\_\_\_\_\_ Approved in the amount of \$ \_\_\_\_\_

\_\_\_\_\_ Denied

SUMTER COUNTY  
TOURIST DEVELOPMENT COUNCIL

BY: \_\_\_\_\_  
Chairman

ATTEST: \_\_\_\_\_  
Secretary

## ADMINISTRATIVE SUPPORT AGREEMENT

THIS AGREEMENT is entered into this \_\_\_\_\_ of \_\_\_\_\_, 2004, between SUMTER COUNTY TOURIST DEVELOPMENT COUNCIL (referred to as the TDC herein), and SUMTER COUNTY CHAMBER OF COMMERCE, INC., a corporation (referred to as the CHAMBER herein), for the purposes herein expressed.

WHEREAS, the TCD desires to utilize the services of the CHAMBER for the purposes of providing administrative support for certain operations of the TDC; and

NOW, THEREFORE, in consideration of the recitals above and mutual agreements and covenants set forth below, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the TDC and the CHAMBER agrees as follows:

1. Obligations of the CHAMBER. The CHAMBER will follow all county, TDC, and other lawful statutes, regulations, rules and policies regarding the administration of the CHAMBER's services hereunder. For all purposes under this Agreement and otherwise, the CHAMBER shall be deemed an **independent contractor and not a sub agency, affiliate, partner, or joint agency** of the TDC. The CHAMBER shall:

- a) provide and receive grant application forms to individuals and organizations;
- b) create an annual marketing plan for TDC approval, for the promotion of tourism in and through Sumter County;
- c) conduct appropriate marketing research;
- d) execute the marketing plan as approved by the TDC;
- e) develop and maintain affiliation with other tourist development organizations (for example, neighboring counties, regional groups, and FLAUSA);
- f) assist in the TDC's hiring or an advertising agency or contractor, and to manage such agency or contractor, for the creation of a marketing plan and the development of promotional and advertising materials;
- g) manage the TDC's advertising and promotion budget expenditures, upon approval by the TDC, using funds allocated by TDC for specific uses;
- h) propose to the TDC ideas and opportunities for the increasing of tourist development tax revenues; and
- i) make quarterly reports to the TDC of its activities under this agreement and of the status of the TDC marketing program.



2. Obligations of the TDC. The TDC shall continue to conduct the following activities on its own behalf (and reserves to itself all other duties and activities not specifically assigned to the CHAMBER in this agreement or otherwise by official action of the TDC);
  - a) to determine TDC meeting times and places;
  - b) to prepare its own agenda for meetings;
  - c) to notify TDC members, the public, the CHAMBER, and the media of meeting times and places;
  - d) to prepare information packages and materials;
  - e) to record and publish its own minutes;
  - f) to maintain a liaison with tourist development tax generators and collectors; and
  - g) to manage the application process for all grant requests.
3. Term: This agreement shall be effective upon execution by both parties and shall continue for a minimum period of one; provided, that either party may cancel this agreement after one year upon the giving of 60 days written notice. The term of this Agreement shall be deemed automatically renewed for additional 1-year terms (on amended terms, if agreed to in writing by the parties), unless otherwise terminated as provided herein.
4. Compensation of the CHAMBER. As compensation for its services hereunder, the CHAMBER shall receive 10% of the gross revenue generated from the tourist development tax, paid on a monthly or quarterly basis by the TDC to the CHAMBER, as the revenue of that tax is received by the TDC. The TDC will **not** withhold or pay (either any employer's or employee's portion of) any wages, income tax, social security tax, group or individual medical, dental and life insurance coverage, sick pay, vacation pay, personal leave unemployment compensation (or insurance for such), or worker's compensation (or insurance for such) for the CHAMBER.
5. Notices. Any notices or payments permitted or required by this Agreement shall be deemed made on the day personally delivered in writing or mailed by certified or registered mail, postage prepaid, to the other party.
6. Law. The Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Florida.
7. No Implied Waiver. Any waiver of enforcement of any provisions or waiver of any breach of this Agreement, whether or not recurring, shall not be construed as a waiver of any subsequent enforcement or breach.
8. Severability. The invalidity or unenforceability of any provisions of this Agreement will not affect the validity or enforceability of any other provision.

9. Assignability. The rights and obligations of the TDC hereunder shall inure to the benefit of and be binding upon the successors and assigns of the TDC. The CHAMBER may not assign the CHAMBER's rights or obligations under this Agreement without the TDC's prior written consent.
10. Amendments. Any amendment to this Agreement will be effective only if in writing and signed by the TDC and the CHAMBER.
11. Interpretation. The defined terms and paragraph titles used herein are for convenience only and do not limit the contents of this Agreement. When applicable, the use of the singular form of any word shall mean or apply to the plural, and the masculine or neuter gender as the case may be.
12. Entire Agreement. This Agreement constitutes the entire Agreement of the parties with respect to the subject matter hereof. There are no promises, representations or warranties with respect to the subject matter hereof or the CHAMBER's dealings with the TDC on this matter, except as set forth herein.

**IN WITNESS WHEREOF**, the parties have caused this agreement to be executed as of the day and year first above written.

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_  
Chairman of the Board of  
TOURIST DEVELOPMENT  
COUNCIL

\_\_\_\_\_

\_\_\_\_\_  
President of  
SUMTER COUNTY CHAMBER  
OF COMMERCE, INC.